

## Telecopier Cover Sheet

Date: July, 21, 2003

To: Assistant Commissioner for Patents  
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Phone: 707-308-6508

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Total Number of Pages (including this cover sheet): 9  
If you do not receive all of these pages, please call 818-560-8953.

### Comments

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See attached

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PATENT

Attorney Docket No.: D 8242-PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: BrainX.com

Attn.: BOX PCT

International filing date: 08 May 2000

PCT Legal Dept.

International Application No.: PCT/US00/12686

U.S. Application No.: 10/031,806

Examiner: TBD

Title: INTERACTIVE COMPUTER  
NETWORKED STUDY AID AND GUIDE

PETITION UNDER 37 CFR 1.181 FOR THE RECONSIDERATION  
OF THE HOLDING OF ABANDONMENT

Assistant Commissioner for Patents  
Box PCT  
Washington, DC 20231  
Attn: Legal Dept.

Sir:

A Notification of Missing Requirements was mailed 14 May 2002 in the present case. Application never received this Notification because it was sent to an incorrect Pennsylvania address instead of the correct address in California. The Applicant discovered the existence of the Notification during a status call to the PCT Help desk on 9 June 2003. The Help Desk suggested that a request be sent explaining the situation and then indicated that the Notification would be resent and the abandonment would be withdrawn because of the U.S.P.T.O. error in the address.

In response to applicant's 10 June 2003 request, Paralegal Specialist Nguyen Ngoc-Ho sent a letter asserting that no correspondence address was submitted on filing in accordance with 37CFR 1.33(a), and that the address was "properly picked up from the address listed on the Express Mail label". Difficulty in reading the handwritten Express

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Mail return address was apparently the source of the incorrect address. A Notice of Abandonment was then mailed on 25 June 2003.

Applicant respectfully requests the reconsideration of the holding of abandonment. Applicant believes that a correspondence address was properly submitted on filing in accordance with 37 CFR 1.33(a). This section requires that


...a correspondence address must be set forth in either an application data sheet (Section 1.76), or elsewhere, in a clearly identifiable manner, in any paper submitted with an application filing.

Attached herewith, as Exhibit A, is a copy of the Transmittal Letter and accompanying documents filed under 35 USC 371 on 10 November 2001. This filing included a Declaration of Mailing by Express Mail, which clearly contains the attorney's typewritten address. Furthermore, included with Exhibit A is a copy of the check submitted for the payment of fees, which also clearly shows the attorney's address.

Finally, Applicant notes that an additional alternative to relying on a difficult to read Express Mail return address, would have been to obtain the address from the roster of registered Agents and Attorneys using the attorney's registration number that appears twice on the papers filed.

For the foregoing reasons, Applicant respectfully requests the withdrawal of the holding of abandonment. If any questions remain, the PCT Legal Department is requested to call the undersigned at the phone number below to expedite the prosecution of this application.

Respectfully Submitted,

  
Donald L. Wenskay  
Reg. No. 32661

Donald L. Wenskay  
Attorney at Law  
132 El Camino Real, Suite 314  
Encinitas, CA 92024

Phone: 858-756-9730  
Fax: 858-756-8503

Enclosure

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TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

D 8242 - PCT

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

PCT/US00/12686

INTERNATIONAL FILING DATE

8 May 2000

PRIORITY DATE CLAIMED

12 May 1999

TITLE OF INVENTION

Interactive computer networked study aid and GUI

APPLICANT(S) FOR DO/EO/US

Brian K. Cam

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☒ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:



PATENT  
ATTORNEY DOCKET NO. D 8242 - PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : BRAINX.COM  
International application No.: PCT/US00/12686  
International filing date: May 8, 2000  
Priority date: May 12, 1999  
Title : INTERACTIVE COMPUTER NETWORKED STUDY AID  
AND GUIDE

Commissioner of Patents and Trademarks  
Washington DC 20231  
Box PCT

DECLARATION OF MAILING BY EXPRESS MAIL

DONALD L. WENSKAY declares as follows:

1. I reside at 2355 Dove Hollow Road Olivenhain, CA 92024 and am registered to practice under Reg. No. 32661.
2. On November 10, 2001, I deposited in the mail, Express Mail service of the United States Postal Service the contents of the envelope for which Express Mail receipt No. ET841797498US was issued addressed to: Commissioner of Patents and Trademarks, Box PCT Washington, DC 20231.
3. Attached hereto is a true copy of the Express Mail receipt No. ET841797498US.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patents issued thereon.

Date: 11-10-01



ET 841797498 US

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DONALD L. WENSKAY COL 8447059  
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18-6671220  
 DATE 11-10-68

9183

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FOR [Signature]

⑆ 2200066 10 9183 ⑆ 21828 ⑆ 06911 ⑆

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(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

REVISED VERSION

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23 November 2000 (23.11.2000)

PCT

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5/04, 7/00

G09B 3/00,

(74) Agents: CISLO, Daniel, M. et al.; Suite 900, 233 Wilshire  
Boulevard, Santa Monica, CA 90401 (US).

(21) International Application Number: PCT/US00/12686

(22) International Filing Date: 8 May 2000 (08.05.2000)

(25) Filing Language: English

(26) Publication Language: English

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(30) Priority Data:  
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12 May 1999 (12.05.1999) US

(34) Designated States (regional): ARIPO patent (GR, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, EG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

(71) Applicant (for all designated States except US):  
BRAINC.COM [US/US]; 86 Cloverwood Avenue,  
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(72) Inventor; and

(75) Inventor/Applicant (for US only): LEWOLT, Bruce  
[US/US]; 86 Cloverwood Avenue, Newbury Park, CA  
91320 (US).

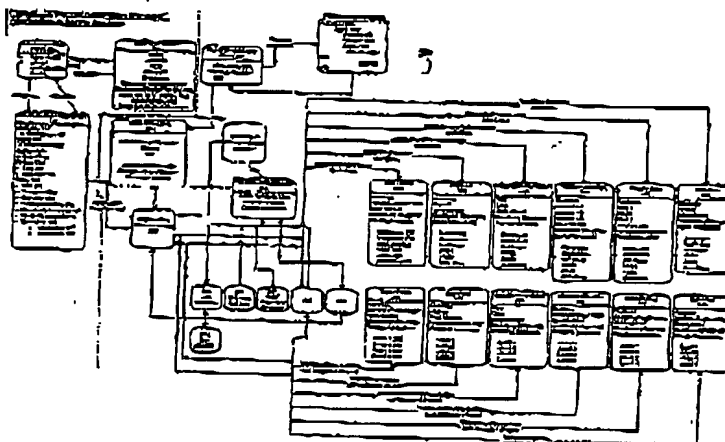
Published:

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(88) Date of publication of the revised international search  
report:  
5 July 2001

[Continued on next page]

(54) Title: INTERACTIVE COMPUTER NETWORKED STUDY AID AND GUIDE



(57) Abstract: An interactive study aid provides student- or other source-selected (208) question for studying. Preferably in conjunction with machine-implemented or other information processing, the interactive study aid of the present invention provides a student with the ability to acquire, present/study, and collaborate upon study material (202) information. Acquisition of study material (202) information may be made through soft-text resources such as digital books or online resources. A pen scanner may be used to access hard copy information making pertinent portions available to the interactive study aid. Study material information may also be entered by hand. Upon entering the study material, the student can indicate the likelihood of its appearing on a test or the importance of the information to the student. Study session orchestrated by an Intelligent Learning Agent guide the student towards that material he or she is the most interested in either for tested/evaluated course work, for a grade or for self study and interest.

WO 00/70582 A1

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REVISED  
VERSION

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US00/12686

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : G09B 3/00, 5/04, 7/00

US CL : 434/118, 157, 185, 308, 309, 317, 320, 322, 341

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 434/118, 157, 185, 308, 309, 317, 320, 322, 341

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y, P	US 6,015,297 A (LIBERMAN ET AL.) 18 JANUARY 2000, COL. 1-8	1-46
Y, P	US 6,077,085 A (PARRY ET AL.) 20 JUNE 2000, COL. 2-26.	1-46
A	US 4,135,314 A (YAMAMOTO) 23 JANUARY 1979, COL. 1-5	1-46
A	US 5,632,624 A (CAMERON ET AL.) 27 MAY 1997, COL. 1-5.	1-46
A	US 3,818,610 A (BABA ET AL.) 25 JUNE 1974, COL. 1-6	1-46

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

Special categories of cited documents:	
*A* document defining the present state of the art which is not considered to be of particular relevance	*T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principles or theory underlying the invention
*B* earlier document published on or after the international filing date	*X* document of particular relevance; the claimed invention cannot be regarded as novel or cannot be considered to involve an inventive step when the document is taken alone
*L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	*Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
*O* document referring to an oral disclosure, use, exhibition or other means	*Z* document member of the same patent family
*P* document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

20 MARCH 2000

Date of mailing of the international search report

03 APR 2001

Name and mailing address of the ISA/US  
Commissioner of Patents and Trademarks  
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Form PCT/ISA/210 (second sheet) (July 1998)\*

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